

REMARKS

The Claims in the application are 21-35. The claims have been rewritten to overcome the various objections and rejections made in the office action. Claims 21-26 correspond to Claims 12-17, respectively. Claim 27 corresponds to Claim 19. Claims 28-29 correspond to Claims 1 and 2. Claim 30 corresponds to Claim 4; Claims 31-33 correspond to Claims 6-8, and Claims 34-35 correspond to Claims 10 and 11.

The rewritten claims are supported by the original claims as filed and the Specification generally. No new matter has been added.

The Examiner objected to Claims 2, 4, and 12-19 as being improperly dependent or needing typographical corrections. The newly added claims are believed to overcome the objections. The broadest method claim is Claim 21 and the preparation of intermediates within Claim 21 has been included in the dependent claims. The terms metabolites and prodrugs have been deleted from the new claims. The variables Het1 and Het2 have been deleted from the claims. Reconsideration of all objections and rejections under Section 112, 1st or 2nd paragraphs, is respectfully requested.

The Examiner has rejected the Claims over the Surleraux WO02/083657, either alone or in combination with secondary references Patani, Chu-Moyer, or Berge, 35 USC 103(a). These rejections are all requested to be withdrawn for the following reasons. The primary reference relates to compounds having a sulphur atom instead of the oxygen atom, in a key ring in a complex heterocyclic molecule. The examiner alleges that this presents a prima facie case of obviousness. However, it is not apparent that the substitution of a different atom in a reaction of the complexity claimed can be simply substituted successfully into the preparation of different compounds. The primary reference does not suggest the substitution of such magnitude, nor do any of the secondary references correct this defect. Reconsideration and withdrawal of the rejection is respectfully requested.

Respectfully submitted,
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Dated: July 30, 2009